

East Bay Charter Township

1

East Shore Hills PUD Extension request

Motion by: _____ second by: _____

To

Accept

Deny

Table

The request by East Shore Hills PUD for a 2 year extension of the Special Land Use and Site Plan approval to February 7, 2011.

Yeas: _____

Nays: _____

Abstain: _____

Absent: _____

Motion

Passed

Failed

MEMO

1/7/09

To: Sue Courtade, Clerk


From: Tina Allen, Zoning Department

RE: Extension of Special Land Use and Site Plan Approval for East Shore Hills

Generation Management has requested an extension of the Special Land Use and Site Plan Approval for their East Shore Hills PUD. At their January 6, 2009 meeting, the East Bay Township Planning Commission recommended approval of a 2 year extension of SLU 6-05 & SPR 2-05/East Shore Hills to February 7, 2011. Please put this request and recommendation on the Township Board agenda for their February 2009 meeting.

MEMORANDUM

TO: Planning Commission
East Bay Charter Township

FROM: Jay Kilpatrick, AICP, PCP 

DATE: December 30, 2008

RE: East Shore Hills PUD Extension

In February, 2006, the Planning Commission approved the Planned Unit Development for East Shore Hills, a large, multi-phase residential development proposed for about 261 acres in Sections 16 and 21 between Four Mile and Five Mile Roads, north of Hammond. The proposal included 188 single-family site condominium lots, 263 attached and detached conventional condominiums. Approximately 40 acres of the site comprised regulated wetlands and approximately 63 acres of open space was proposed. To date, no land use permit has been issued and in December 2007, the Planning Commission recommended a one-year extension of the prior approval, which extension will expire in February.

The applicant is now Generations Management, and they are requesting an additional two-year extension of the prior approval to February, 2011, due to the weak economy. The Planning Commission will recall that this proposed development included several phases and the Planning Commission and developer worked out a number of conditions to protect the natural features of the site and the public interest over several meetings.

It is recommended that the Planning Commission recommend an additional two-year extension to the Township Board.

This case points out the need for a further adjustment of the extension language currently under consideration. A PUD is treated as a Special Land Use in East Bay Charter Township and under the current ordinance, both Sections 637, 12 and 601, 6, would apply. Currently, section 601, 6, which applies to all special land uses, simply states that a special land use that is not started or extended by the Planning Commission will expire. In October, the Planning Commission recommended an amendment to Section 601, 6, and the Township Board is scheduled to consider that amendment in January. The proposed amendment will allow only one extension of two years duration upon request if the Planning Commission finds that the project has encountered unforeseen difficulties. On the other hand, Section 637, 12, provides that a PUD will expire after two years unless extended by the Township Board in response to a written request and if the Planning Commission recommends it. The current PUD language does not limit the number of

extensions that may be requested. This discrepancy need not affect the current request since the Planning Commission and Township Board could act before the amendment to Section 601, 6 is effective. However, in the future it may be necessary to consider adjusting 637, 12, to either (1) conform 601, 6 with the limitation of only one extension, or (2) exempt PUDs from the "one-only" extension provision. The latter approach may be preferred since the Township Board is involved in PUD approvals and those projects tend to be more complex, requiring extended periods for design, permitting and financing.

c: Leslie Couturier
Tina Allen